ORDINANCE NO. 2007-3

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH ESTABLISHING DESIGN CRITERIA FOR SINGLE AND TWO-UNIT RESIDENTIAL DEVELOPMENT

WHEREAS, the Newport Beach City Council adopted Resolution No. 2006-76 on July 25, 2006, approving a comprehensive update to the Newport Beach General Plan; and

WHEREAS, pursuant to Charter Section 423 and the Measure S Guidelines, the comprehensive General Plan Update was placed on the ballot and approved by the electorate at the General Election of November 7, 2007; and

WHEREAS, Section 10 of Resolution No. 2006-76 directs the Planning Department to begin the preparation of revised zoning and other ordinances necessary to implement the new General Plan, accepting that applications will be made before the implementing ordinances are in place; and

WHEREAS, Section 11 of Resolution No. 2006-76 declares the General Plan the officially adopted policy for the growth, land use, development and protection of Newport Beach such that if it is in conflict with any other City ordinance or action the General Plan shall take precedence; and

WHEREAS, the City Council desires to provide a method and procedures for the earliest possible implementation of the General Plan during the interim period while the Zoning Code and other ordinances and regulations are being updated for consistency with the General Plan; and

WHEREAS, the City Council on January 13, 2007, held a noticed public hearing meeting regarding this Ordinance; and

WHEREAS, it has been determined that the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) since the act applies only to projects which have the potential for causing a significant effect on the environment (Section 15061(3) of the CEQA Guidelines).

THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: This Ordinance applies to single and two-unit residential projects submitted for plan check on or after April 1, 2007.

SECTION 2: Single and Two-Unit residential developments consisting of four (4) or fewer dwelling units shall be subject to the following:

- A. <u>Purpose</u>. To implement applicable design policies in the General Plan Land Use Element until the comprehensive re-write of Newport Beach Municipal Code Title 20, Zoning is complete.
- B. <u>Applicability</u>. These regulations apply to all single and two-unit developments of four (4) or fewer parcels or dwellings, and additions thereto. Review of projects under this ordinance is ministerial and shall occur concurrently with the review of plans for building permit issuance.
- C. <u>Applicability Exception.</u> Single and two-unit developments of four or fewer parcels or dwellings that are subject to a Homeowner's Association design review process are exempt from the provisions of this Ordinance.
- D. <u>Criteria.</u> The following criteria shall be used in determining a project's consistency with the purpose of this Ordinance and with the General Plan.
 - Long unarticulated exterior walls are discouraged on all structures.
 Massing offsets, varied textures, openings, recesses, and design
 accents on building walls should be used to enhance the
 architecture. Front facades shall include windows.
 - Portions of upper floors should be set back in order to scale down facades that face the street, common open space, and adjacent residential structures. Upper story setbacks are recommended either as full length "stepbacks" or partial indentations for upper story balconies, decks, and/or aesthetic setbacks.
 - 3. Architectural treatment of all elevations visible from public places, including alleys, is encouraged. Treatments may include window treatments, cornices, siding, eaves, and other architectural features.
 - 4. Where the neighborhood pattern is for the primary entrance to face the street, the primary entry and windows should be the dominant elements of the front facade. Primary entrances should face the street with a clear, connecting path to the public sidewalk or street. Alternatively, entry elements may be visible from the street without the door necessarily facing the street.
 - 5. The main dwelling entrance should be clearly articulated through the use of architectural detailing.

- 6. Impervious surfaces in front yards should not exceed 50% of the front yard area with the remaining area landscaped. The use of hardscape for walkways, porches and outdoor living areas is permitted. Where a neighborhood pattern of front yards being completely developed with hardscaped outdoor living areas exists, the 50% minimum shall not apply. Under no circumstances shall hardscaped areas, other than driveways, be used for parking of vehicles.
- 7. Site planning should follow the basic principle of designing development to fit the features of the site rather that altering the site to fit the design of the development. Whenever possible, natural features such as cliffs, canyons, bluffs, significant rock outcroppings, natural vegetation should avoided or the extent of alteration minimized whenever possible. Adequate buffers should be provided to protect significant or rare biological resources.
- 8. Trash constrainer storage shall be out of view from public places, and may not be located in required parking areas.
- 9. Driveways visible from public right-of-way shall be no larger than required to access size of garage as follows:

One Car Garage: 10 Feet
Two Car Garage: 20 Feet
Three Car Garage: 25 Feet
Four Car garage: 32 feet

D. Appeals. Staff's determination of compliance may be appealed to the Planning Commission in accordance with Chapter 20.95 of the Municipal Code.

SECTION 3: The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. This Ordinance shall be published once in the official newspaper of the City, and the same shall become effective thirty-three (33) days (April 1, 2007) after the date of its adoption.

This Ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on February 13, 2007 and approved on February 27, 2007, by the following vote, to wit:

AYES; Henn, Curry,	Selich,	Webb,	Daigle,	Gardner,	
Mayor Rosansky					
NOES; None					
ABSENT; None		r			

ATTEST:

CITY CLERK

STATE OF CALIFORNIA	}	
COUNTY OF ORANGE	}	SS
CITY OF NEWPORT BEACH	}	

I, LaVonne M. Harkless, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing ordinance, being Ordinance No. 2007-3 was duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 27th day of February 2007, and that the same was so passed and adopted by the following vote, to wit:

Ayes:

Henn, Curry, Selich, Webb, Daigle, Gardner, Mayor Rosansky

Noes:

None

Absent:

None

Abstain:

None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 28th day of February 2007.



City Clerk

City of Newport Beach, California

(Seal)

CERTIFICATE OF PUBLICATION

STATE OF CALIFORNIA	}	
COUNTY OF ORANGE	}	SS
CITY OF NEWPORT BEACH	}	

I, LAVONNE M. HARKLESS, City Clerk of the City of Newport Beach, California, do hereby certify that Ordinance No. 2007-3 has been duly and regularly published according to law and the order of the City Council of said City and that same was so published in The Daily Pilot, a daily newspaper of general circulation on the following date, to wit: March 3, 2007.

	In witness	whereof, I have	hereunto	subscribed 1	mv name	this		day of	<u> </u>		
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2007.						<u></u>				· · · · · · · · · · · · · · · · · · ·	

City Clerk City of Newport Beach, California